

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE PCT NATIONAL STAGE APPLICATION OF

MARTIN PRUSCHY

INTERNATIONAL APPLICATION NO: PCT/EP04/002610

FILED: 12 MARCH 2004

U.S. APPLICATION NO: 10/549,978

35 USC §371 DATE: November 15, 2006

FOR: TREATMENT OF PROLIFERATIVE DISEASES WITH EPOTHILONE  
DERIVATIVES AND RADIATION

Mail Stop: PCT  
Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450

RESPONSE TO NOTICE OF NON-COMPLIANT AMENDMENT

Sir:

In response to the May 18, 2007 notice, please enter the following preliminary amendment.

**Amendments to the Claims** are reflected in the Listing of Claims, which begins on page 2 of this paper.

**Remarks** begins on page 4 of this paper.

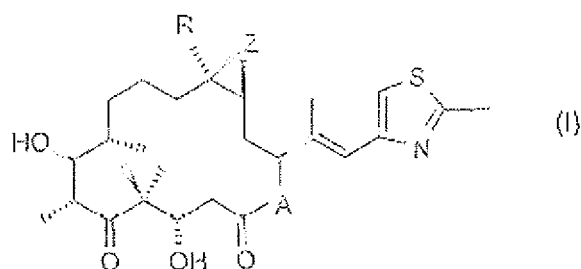
### Amendments to the Claims

This Listing of Claims will replace all prior versions, and listings, of claims in the specification:

#### Listing of Claims:

1. (original) A method for treating a proliferative disease in a subject in need of such treatment, wherein the method comprises administering;

(a) an epothilone derivative of formula I



in which compound A represents O or NRN, wherein RN is hydrogen or lower alkyl, R is hydrogen or lower alkyl, and Z is O or a bond, which is in free form or in the form of a pharmaceutically acceptable salt, in combination with

(b) ionizing radiation.

2. (original) A method according to claim 1 which comprises administering

(a) a compound of formula I wherein A represents O, R is lower alkyl, Z is O, in combination with

(b) ionizing radiation.

3. (currently amended) A method according to claim 1 ~~or 2~~ which comprises administering

(a) epothilone B, in combination with

(b) ionizing radiation.

4. (currently amended) A method according to claims 1, ~~2 or 3~~ wherein subject is a warm-blooded animal having a proliferative disease comprising administering to the animal a combination according to any of claims 1, ~~2 or 3~~ in a way that is jointly therapeutically effective against a proliferative disease.

5. (currently amended) A method according to ~~any of claims 1 to 4~~ which comprises administering a quantity which is jointly therapeutically effective against a proliferative disease of a compound of formula I and at least one pharmaceutically acceptable carrier for use in combination with ionizing radiation.
6. (currently amended) A method according to claim 1, ~~2, 3, 4 or 5~~ for the delay of progression of a proliferative disease in a subject in need of such treatment.
7. (currently amended) A method according to claim 1, ~~2, 3, 4 or 5~~ for the treatment of a proliferative disease.
8. (currently amended) Use of a compound of formula I according to claim 1, ~~2 or 3~~ for the preparation of a medicament for use in combination with ionizing radiation for the delay of progression or treatment of a proliferative disease.
10. (currently amended) A method according to claims 6, ~~7 or 8~~ wherein the proliferative disease is a solid tumor.
11. (original) A package comprising a compound of formula I in which A represents O or NRN, wherein RN is hydrogen or lower alkyl, R is hydrogen or lower alkyl, and Z is O or a bond (or pharmaceutically acceptable salt or prodrug ester thereof), together with instructions for the use in combination with ionizing radiation for the treatment of a proliferative disease.

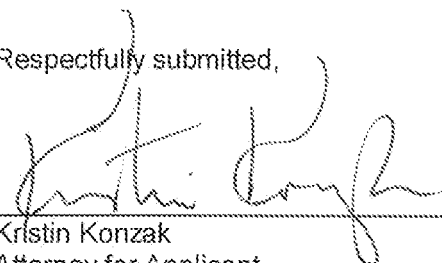
Remarks

An "(original)" status identifier has been added to claim 11 to correct the erroneous claim format previously submitted. No new matter has been added.

Should the Examiner have any questions, please contact the undersigned attorney.

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Respectfully submitted,

  
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Date: June 11, 2007